

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09CV394-1-MU**

RANDOLPH A. WATTERSON,	)	
	)	
	)	
Plaintiff,	)	
Vs.	)	<b>ORDER</b>
	)	
MAX DAVIS, <u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

**THIS MATTER** comes before the Court for an initial review of Plaintiff's Complaint pursuant to 42 U.S.C. § 1983, filed on September 11, 2009.

In his Complaint Plaintiff alleges that Defendants Wilkenson and Grosch, both detention officers at the Gaston County Jail, used excessive force against him. As a result Plaintiff alleges he suffered a black eye and bruised ribs. Petitioner also alleges that Defendant Davis, a sergeant at the Gaston County Jail, twisted his words when he told him his version of the incident. Plaintiff seeks \$ 100,000.00 in damages.

Plaintiff's allegation against Defendant Davis fails to state a claim. The mere allegation that Defendant Davis "twisted" his words is overly broad and non-specific. Plaintiff has not sufficiently alleged that Defendant Davis violated his constitutional rights. Consequently, Plaintiff fails to state a claim against Defendant Davis and he is dismissed.

After a careful review of the record, the Court finds that Defendants Wilkenson and Grosch should file an answer detailing Plaintiff's allegations and responding to

each.

**IT IS, THEREFORE, ORDERED that:**

1. Max Davis is dismissed from this case; and
2. The Clerk shall issue summons and deliver it forthwith to the U. S. Marshal who will make service of process without additional cost on Defendants Wilkerson and Grosch.

Signed: September 22, 2009

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

